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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,116	01/24/2000	Kristoffer Ptasinski	3660-9	6743
7590	09/08/2004		EXAMINER	
Nixon & Vanderhye PC 1100 North Glebe Road 8th Floor Arlington, VA 22201-4714			DAVIS, TEMICA M	
			ART UNIT	PAPER NUMBER
			2681	14
DATE MAILED: 09/08/2004.				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/490,116	PTASINSKI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Temica M. Davis	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 1-11 is/are allowed.

6)  Claim(s) 12,13,16 and 17 is/are rejected.

7)  Claim(s) 14,15 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date . . . . .  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: . . . . .

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 12 is rejected under 35 U.S.C. 102(e) as being anticipated by Agahi-Kesheh, U.S. Patent No. 6,430,402.

Regarding claim 12, Agahi-Kesheh discloses a portable multi-band communication device comprising a power amplifier controlled by a digital control signal; a battery for supplying power to the power amplifier (col. 6, lines 11-20), a memory for storing an association between different power consumption values and respective digital control signal values (col. 8, lines 28-48 and col. 9, lines 18-28); and a controller arranged to control an output power level of the communication device by generating a digital control signal; monitor the digital control signal for the power amplifier (col. 7, lines 34-58), and determine an amount of electric energy consumed from the battery based on at least one power consumption value stored in the memory, said at least one power consumption value being associated with a value of the monitored digital control signal (col. 8, lines 12-48).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh in view of Baranowski.

Regarding claim 13, Agahi-Kesheh discloses a portable multi-band communication device as in claim 12 as described above. Agahi-Kesheh, however fails to disclose the device comprising a digital-to-analog converter operatively connected to the power amplifier, and arranged to receive, as an input, the digital control signal, convert the digital control signal into an analog control signal and provide the analog control signal to the power amplifier.

Baranowski discloses this limitation (col. 8, line 51-col. 9, line 2).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Agahi-Kesheh with the teachings of Baranowski for the purpose of obtaining desired current levels for charging the battery (Baranowski, col. 8, line 51-col. 9, line 2).

5. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh.

Regarding claim 16, Agahi-Kesheh discloses a portable multi-band communication device as in claim 12 as described above. Agahi-Kesheh, however, is silent as to how the predetermined consumption values are represented. The examiner contends, however, that such a polynomial representation is well known in the art. Therefore, at the time of invention, it would have been obvious to implement such polynomial representation since such a technique is used in conjunction with battery consumption values.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Agahi-Kesheh in view of Rosenthal, U.S. Patent No. 5,838,140.

Regarding claim 17, Agahi-Kesheh discloses a portable multi-band communication device as in claim 12.

Agahi-Kesheh, however fails to disclose the device further comprising a graphical display wherein a controller is arranged to calculate an estimated remaining battery capacity by subtracting the determined consumption of electric energy from a previous value of remaining battery capacity, and wherein the controller is arranged to visually indicate the calculated estimated remaining battery capacity on the graphical display.

In a similar field of endeavor, Rosenthal discloses a portable telephone with a battery consumption technique.

Rosenthal further discloses a graphical display wherein a controller is arranged to calculate an estimated remaining battery capacity by subtracting the determined consumption of electric energy from a previous value of remaining battery capacity, and

wherein the controller is arranged to visually indicate the calculated estimated remaining battery capacity on the graphical display (col. 3, line 59-col. 4, line 3 and col. 4, line 44-col. 5, line 4).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Agahi-Kesheh with graphical interface taught in Rosenthal for the purpose of indicating to the user how much battery life is remaining in order to give the user enough time to handle the present call appropriately (such as hang up, hurry the present conversation, or begin to apply an external charging power to the depleting battery in order to complete the conversation, etc.).

#### ***Allowable Subject Matter***

7. Claims 1-11 are allowed.
  
8. Claims 14 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached on Monday-Thursday (alternate Fridays) 8:00am-5:00pm.

if attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on (703) 308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis  
Examiner  
Art Unit 2681

September 3, 2004



TEMICA M. DAVIS  
PATENT EXAMINER